

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
CHICAGO DIVISION

CAROLYN MILLER, on behalf of herself  
and other similarly situated,

*Plaintiff,*

v.

SOUTHWEST CREDIT SYSTEMS, L.P.,

*Defendant.*

CASE NO. 1:18-cv-04088

Hon. Rebecca R. Pallmeyer

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DEFENDANT SOUTHWEST CREDIT SYSTEMS, L.P.'S  
MOTION TO SUBSTITUTE CORRECTED AFFIDAVIT

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TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Defendant Southwest Credit Systems, L.P. ("SWC"), and files its Motion to Substitute Corrected Affidavit, and will show onto this Court as follows:

1. On March 20, 2019, SWC filed its Motion for Summary Judgment. Doc. 40.
2. Attached as Exhibit A was an affidavit from Jeff Hazzard. Doc. 40-2. This affidavit included the attachment of Exhibit D. Doc. 40-2; Doc. 40-5.
3. Exhibit D was labeled as "Letter received from Community Lawyers Group regarding Ms. Webber (Miller)'s account" in Hazzard's affidavit. Doc. 40-2. However, due to a clerical error, a letter from Plaintiff Carolyn Webber (Miller) was attached to the affidavit as Exhibit D rather than the letter from Community Lawyers Group.
4. Attached hereto as Exhibit A is an updated affidavit with the correct attachment for Exhibit D. Exhibit A.

5. SWC respectfully requests this Court to substitute the attached Exhibit A in place of the one filed with Defendant's Motion for Summary Judgment.

6. Defendant made a simple clerical error in attaching the incorrect letter to Doc. 40-2. Plaintiff's service cancellation letter was already attached as part of the Exhibit E deposition transcript and exhibits. Doc. 40-6. Substitution of the correct letter is proper and would not prejudice Plaintiff in any way.

7. Exhibit D was titled correctly and referenced correctly in Defendant's Motion for Summary Judgment. Doc. 40 at 7-8; Doc. 40-2. The only mistake was in attaching Plaintiff's letter rather than Plaintiff's counsel's letter.

### CONCLUSION

WHEREFORE, PREMISES CONSIDERED, Defendant Southwest Credit Systems, L.P. respectfully requests this Court grant this motion and substitute the attached corrected affidavit.

Dated: May 16, 2019.

Respectfully submitted,

**MALONE FROST MARTIN PLLC**

/s/ Robbie Malone

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***COUNSEL FOR DEFENDANT***

***SOUTHWEST CREDIT SYSTEMS LP***

**CERTIFICATE OF CONFERENCE**

Counsel for Defendant Southwest Credit Systems, L.P. emailed counsel for Plaintiff regarding the foregoing pleading on May 15, 2019, and Plaintiff is opposed.

/s/ Xerxes Martin  
XERXES MARTIN

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing has been forwarded through the CM/ECF system on this 16<sup>th</sup> day of May, 2019.

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